

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

GRAMMER INDUSTRIES, INC.,)
)
Plaintiff,)
v.)
)
BEACH MOLD AND TOOL, INC., and)
BEACHMOLD MEXICO, S. DE R.L. DE)
C.V., PLASTIC INJECTION OPERATING)
(PIO) COMPANY OF MEXICO, LLC,)
PLASTIC INJECTION HOLDING (PIH))
COMPANY OF MEXICO, LLC n/k/a iP3)
NORTH AMERICA, LLC, AND)
AMERICAN INDUSTRIAL)
ACQUISITION CORPORATION d/b/a iP3)
PLASTICS MEXICO,)
Defendants,)
and)
BEACH MOLD AND TOOL, INC.,)
Cross-Claimant)
v.)
)
AMERICAN INDUSTRIAL)
ACQUISITION CORP. d/b/a iP3)
PLASTICS MEXICO, BEACHMOLD)
MEXICO S. DE R.L. DE C.V., PLASTIC)
INJECTION OPERATING (PIO))
COMPANY OF MEXICO, LLC, PLASTIC)
INJECTION HOLDING (PIH) COMPANY)
OF MEXICO, LLC, n/k/a iP3 NORTH)
AMERICA, LLC,)
Cross-Defendants.)

Case No. 15-CV-12694
Hon. Paul D. Borman
Magistrate Judge R. Steven
Whalen

PLAINTIFF'S MOTION TO SEAL DOCUMENTS

Pursuant to Local Rule 5.3(b)(2) Plaintiff Grammer Industries, Inc. (“Grammer”), by and through its attorneys Foley & Lardner LLP, moves to seal Defendant’s Exhibit L to Grammer’s Motion for to Compel Responses to Plaintiff’s First Set of Discovery Requests and to Compel Deposition because the exhibit contains confidential business information that cannot be adequately protected by any other means. The Motion is supported by the accompanying Brief. Pursuant to Local Rule 7.1, Grammer sought concurrence in the relief requested, but concurrence has not yet been obtained.

Dated: December 23, 2016

Respectfully submitted,

FOLEY & LARDNER LLP

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PLAINTIFF'S BRIEF IN SUPPORT OF ITS MOTION TO SEAL
DOCUMENTS

STATEMENT OF ISSUE PRESENTED

1. Should this Court enter an order allowing Plaintiff, in connection with its Motion to Compel Complete Responses to Plaintiff's First Set of Discovery Requests and to Compel Deposition to file Exhibit L under seal and require that the exhibits remain under seal until this Court orders otherwise?

Plaintiff Answers: "Yes."

CONTROLLING OR MOST APPROPRIATE AUTHORITY

Rules

Fed. R. Civ. P. 5.2(d)

Local Rule 5.3(b)

INTRODUCTION

Plaintiff Grammer Industries, Inc. (“Grammer”) respectfully moves this Court, pursuant to Fed. R. Civ. P. 5.2(d) and Eastern District of Michigan Local Rule 5.3(b), for an Order permitting the filing under seal of Exhibit L to Grammer’s Motion to Compel Complete Responses to Plaintiff’s First Set of Discovery Requests and to Compel Deposition because Exhibit L has been marked Confidential by Defendant Beach Mold and contains information confidential or proprietary to Beach Mold.

DISCUSSION

Defendant Beach Mold has produced documents to Grammer during discovery that Beach Mold has marked “Confidential,” including Exhibit L. Exhibit L is a sale agreement among Defendant Beach Mold and Defendant Plastic Injection Operating (PIO) Company of Mexico and other parties, the “Capital Interests Purchase Agreement.” Exhibit L also contains a Sales Commission Agreement among Defendant Beach Mold and additional parties, the “Sales Commission Agreement,” a “Services Agreement,” and a “Business Cooperation Agreement.” Plaintiff and Beach Mold have been waiting for all additional parties to answer the Third Amended Complaint so that all involved parties may negotiate and agree on terms for a protective order. Plaintiff Grammer has no objection to sealing the exhibits as confidential until such time that an acceptable protective

order is entered by the parties. There is no less restrictive means of protecting the information that would avoid potential harm to Beach Mold and Defendant Plastic Injection Operating (PIO) Company of Mexico. Unless Exhibit L is filed under seal, the confidential information contained therein will be in the public record.

WHEREFORE, For the reasons identified herein, Grammer respectfully requests that this Court grant its motion to seal documents, and requests that this document remain under seal until further order of the Court.

Dated: December 23, 2016

Respectfully submitted,

FOLEY & LARDNER LLP

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CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of Grammer's Motion to Seal Documents and Brief in Support and this Certificate of Service were filed electronically on December 23, 2016 with the Clerk of the Court using the ECF system, which will send notification of such filing to all attorneys of record.

/s/ Andrew B. Fromm

Andrew B. Fromm